



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10038 of 2022

WEB COPY

Varun

... Petitioner/Accused No.3
Vs

1. The Deputy Superintendent Of Police,
Valliyoore, Tirunelveli District.

2. The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
Crime No.115 of 2022.

... Respondent/Complainant

3. Essakimuthu

... 3rd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned II-Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases), Tirunelveli to consider the Petitioners bail application on the same date of his surrender in Cr.No.115 of 2022 pending on the file of the 2nd Respondent.

For Petitioner : Mr. Angusamy V

For Respondent : Mr.A.Albert James,
Government Advocate (CrI.Side)

O R D E R

This Criminal Original Petition has been filed for a direction, to direct the learned II-Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases), Tirunelveli to consider the Petitioner bail application on the same date of his surrender in Cr.No.115 of 2022 pending on the file of the second Respondent.

2. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the learned II-Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases), Tirunelveli, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No. 115 of 2022 on the file of the second respondent and pass appropriate orders, in accordance with law, after affording due opportunity to the victim under Section 15(a) of the SC/ST Act. The



petitioner shall surrender before the concerned jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this Order.

3. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous antecedents of the petitioner and pass orders. Mere direction issued by this Court to consider the bail petition on the same day, does not amount to consider it favourably.

4. With the above direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CO)

// True Copy //

09/06/2022

Sub Assistant Registrar(CS)

PNM

To

1.The II-Additional District and Sessions Judge,
(Special Court for SC/ST (POA) Act Cases), Tirunelveli

2. The Deputy Superintendent Of Police,
Valliyoar, Tirunelveli District.

3. The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
Crime No.115 of 2022.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-24563[F] dated 08/06/2022)

CRL.O.P (MD) No.10038 of 2022

08.06.2022

MGJ(09.06.2022) 2P 6C